

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>JEROME OFFICE,</b>	:	<b>PRISONER CIVIL RIGHTS</b>
<b>Plaintiff,</b>	:	<b>42 U.S.C. § 1983</b>
	:	
<b>v.</b>	:	
	:	
<b>VICTOR HILL,</b>	:	<b>CIVIL ACTION NO.</b>
<b>Defendant.</b>	:	<b>1:17-CV-3814-TWT-AJB</b>

**UNITED STATES MAGISTRATE JUDGE’S  
FINAL REPORT AND RECOMMENDATION**

Plaintiff, Jerome Office, confined in the Clayton County Jail in Jonesboro, Georgia, submitted a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. [Doc. 1.] On October 17, 2017, the undersigned filed an Order requiring Plaintiff, within thirty (30) days, to either (1) pay the total filing and administrative fees of \$400.00, or (2) complete and submit an application for leave to proceed *in forma pauperis*. [Doc. 2 at 1.] The undersigned advised Plaintiff that failure to comply shall result in the dismissal of this action. [*Id.* at 2.]

The time period for Plaintiff’s compliance having expired, the matter again is before the Court. As of November 30, 2017, the records of the Clerk of Court indicate that Plaintiff has neither paid the filing and administrative fees nor submitted an application for leave to proceed *in forma pauperis*. Plaintiff has not otherwise

responded. It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE**, due to Plaintiff's failure to comply with a lawful order of the Court. N.D. Ga. R. 41.3A(2); *see also Moon v. Newsome*, 863 F.2d 835, 837 (11<sup>th</sup> Cir. 1989) ("dismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion"); *Gratton v. Great Am. Commc'ns*, 178 F.3d 1373, 1374 (11<sup>th</sup> Cir. 1999) (per curiam) (same); *Heard v. Nix*, 170 Fed. Appx. 618, 619 (11<sup>th</sup> Cir. Feb. 23, 2006) (per curiam) (affirming dismissal under N.D. Ga. R. 41.3 and Federal Rule of Civil Procedure 41(b) for failure to comply with court order).

The Clerk is **DIRECTED** to terminate the referral to the undersigned.

**IT IS SO RECOMMENDED and DIRECTED**, this 30th day of November, 2017.



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**ALAN J. BAVERMAN**  
**UNITED STATES MAGISTRATE JUDGE**